

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

JOANNE M. ROYER,)	
)	
Plaintiff,)	
)	
v.)	
)	CIVIL ACTION NO:
BLUE CROSS BLUE SHIELD OF)	NO: 05-CV-10448-GAO
MASSACHUSETTS, INC., BLUE CROSS)	
BLUE SHIELD LONG-TERM)	
DISABILITY BENEFIT PLAN, a/k/a)	
OMNIBUS WELFARE BENEFITS)	
PLAN, KEMPER NATIONAL)	
SERVICES, INC., BROADSPIRE)	
SERVICES, INC., AND SHELDON)	
MYERSON, M.D.,)	
)	
Defendants.)	

**DEFENDANTS' MOTION FOR LEAVE TO JOIN IN BLUE CROSS BLUE SHIELD'S
MOTION TO STRIKE AND MOTION TO DISMISS COUNTS IV AND V OF
PLAINTIFF'S SECOND AMENDED COMPLAINT**

Blue Cross Blue Shield Long-Term Disability Benefit Plan (“the LTD Plan”), Kemper National Services, Inc. (“KNS”), Broadspire Services, Inc. (“Broadspire”) and Sheldon Myerson, M.D. (“Dr. Myerson”), defendants in this matter, for their motion for leave to join in Blue Cross Blue Shield and Blue Cross Blue Shield Omnibus Welfare Benefits Plans’ Motion to Strike and Motion to Dismiss Counts IV and V of the plaintiff’s Second Amended Complaint state as follows:

Defendants, Blue Cross Blue Shield of Massachusetts and the Blue Cross Blue Shield Omnibus Welfare Benefits Plan (collectively “BCBS”), have filed Motions to Strike and Dismiss Counts IV and V of the plaintiff’s Second Amended Complaint. The reasons for BCBS’ motions are well-taken, and the rationale for dismissal also applies to the same claims against the other defendants.

Therefore, the LTD Plan, KNS, Broadspire and Dr. Myerson respectfully request that this Court grant them leave to join in BCBS' Motion to Strike and Dismiss, and further respectfully request that this Court dismiss Counts IV and V as to all defendants for the reasons stated therein.

CERTIFICATION UNDER LOCAL RULE 7.1(A)(2)

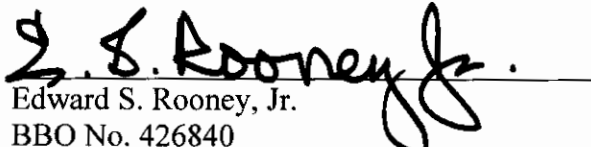
Counsel for the defendants, David F. Schmidt, conferred with plaintiff's counsel on August 4, 2005 concerning the issues presented by this motion and have attempted, without success, to resolve or narrow the issue.

Respectfully submitted,

BLUE CROSS BLUE SHIELD LONG-TERM
DISABILITY BENEFIT PLAN, KEMPER
NATIONAL SERVICES, INC., BROADSPIRE
SERVICES, INC. and SHELDON MYERSON, M.D.

By their attorneys:

DATED: August 4, 2005

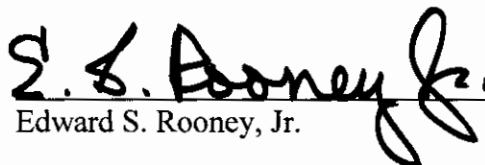

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each other party by overnight mail this 4th day of August, 2005.


Edward S. Rooney, Jr.